IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6454 of 2006

CRIME NO.39/2006 OF KUZHALMANNAM EXCISE RANGE

: PETITIONER/ACCUSED:

RAMESH, S/O. CHUKKAN,
AGED 27 YEARS, PULLANIPARAMBIL HOUSE,
VARODE P.O., KOTTAYI, PALAKKAD.

BY ADV. SRI.G.PRIYADARSAN THAMPI
SMT.VEENA KRISHNAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTING EXCISE INSPECTOR,
KUZHALMANNAM EXCISE RANGE, REP.BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6454/2006

DATED THIS THE 6TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner is accused in C.R.No.39/2006 of Kuzhalmannam Excise Range, for the offence punishable under Section 8(1) & (2) of the Abkari Act, as ten litres of illicit arrack had been seized from the possession of the petitioner. He apprehends arrest. Hence this application, under Section 438 Cr.P.C.

2. I heard the arguments advanced by both sides. The submission of the learned counsel is that the contraband seized is not belonging to the petitioner. However, the prosecution submits that the petitioner was not available for arrest, when the seizure took place on 15.10.2006, by the Inspector of Kuzhalmannam Excise Range.

3. In the above facts situation of the case, I direct the petitioner to surrender before the Inspector of Kuzhalmannam Excise Range, on 13.11.2006 between

9.30 a.m and 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Judicial Magistrate of First Class-I, Palakkad, on the same day itself.

5. On production of the petitioner, the learned Magistrate shall hear both sides and pass appropriate orders on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs